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Attorneys for Plaintiff
FIREMAN'S FUND INSURANCE COMPANY,
a foreign corporation a/s/o BASIC RESOURCES, INC.
and GEORGE REED, INC., a foreign corporation

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

FIREMAN'S FUND INSURANCE
COMPANY, a foreign corporation
a/s/o BASIC RESOURCES, INC.
and GEORGE REED, INC., a foreign
corporation,

Plaintiff,

vs.

GERLING AMERICA INSURANCE
COMPANY, a foreign corporation,

Defendant.

CASE NO. C 07 06302 CRB

**PLAINTIFF'S REPLY TO AFFIRMATIVE
DEFENSES RAISED BY DEFENDANT,
GERLING AMERICA INSURANCE
COMPANY**

COMES NOW, Plaintiff, FIREMAN'S FUND INSURANCE COMPANY a/s/o BASIC
RESOURCES, INC. and GEORGE REED, INC., ("FFIC") by and through undersigned counsel and
pursuant to the Federal Rules of Civil Procedure, hereby respectfully files its Reply to the
Affirmative Defenses raised by Defendant, GERLING AMERICA INSURANCE COMPANY and
state as follows:

1 1. Plaintiff denies each and every Affirmative Defense (1-16) raised by Defendant in its
2 Answer to Plaintiff's Fourth Amended Complaint, filed April 10, 2008 and demands strict proof
3 thereof.

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5 **DATED** this 24th day of April 2008.

6 By: /s/ Jon D. Derrevere
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PROOF OF SERVICE

Fireman's Fund Ins. Co. v. Gerling American Ins.

United States District Court, Northern District of California

Case No.: C 07 06302 CRB

I am employed in the City and County of West Palm Beach, State of Florida. I am over the age of 18 and not a party to the within action; my business address is: Derrevere, Hawkes & Black, 470 Columbia Drive, Building "B", West Palm Beach, Florida 33409.

On April 24th, 2008, I served the foregoing document(s) described as:

**PLAINTIFF'S REPLY TO AFFIRMATIVE DEFENSES RAISED BY DEFENDANT,
GERLING AMERICA INSURANCE COMPANY**

On the interested parties in this action by placing ☐ the original ☐ a true copy thereof enclosed in a sealed enveloped addressed as stated below:

☐ BY REGULAR MAIL:

I caused such envelopes to be deposited in the United States Mail at West Palm Beach, Florida with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with United States postal service each day and that practice was followed in the ordinary course of business for the service herein attested to.

☒ BY ECF:

I HEREBY CERTIFY that on this 24th day of April, 2008, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on: TINO X. DO, Barger & Wolen, LLP, 650 California Street, 9th Floor, San Francisco, CA 94108, tdo@barwol.com and CHARLES K. BRUNN, Brunn & Flynn, 928 12th Street, Suite 200, P.O. Box 3366, Modesto, CA 95354, CBrunn@Brunn-Flynn.com via transmission of Notices of Electronic Filing generated by CM/ECF.

☒ FEDERAL - I declare that I am employed in the office of a member of the Florida Bar, admitted to practice in all Florida Courts and who makes this Pro Hac Vice Application, that our co-counsel and sponsor is a member of the bar of this California Court, and at their direction this service was made. Executed at West Palm Beach, Florida on April 24th, 2008.

NAME: Deanna N. Menendez

Signature: Deanna N. Menendez